

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of  
JUNGER

Serial No. 09/509,021

Filed: August 25, 2000

For: METHOD AND APPARATUS FOR VERIFYING  
PRODUCT SALE TRANSACTIONS AND PROCESSING  
PRODUCT RETURNS

Atty. Ref.: 723-835

Group: 2768

Examiner:

RECEIVED

FEB 27 2002

Technology Center 2100

\* \* \* \* \*

February 25, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of the reference(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement ("IDS") is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

This IDS is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby certify that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

b. I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c)

more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2).

c. Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Dep Acct No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 to cover payment of the petition fee under 37 C.F.R. 1.17(I)(1). Please credit or debit Deposit Account No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

a. I hereby certify that each item of information contained in this IDS was first cited in the attached communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

b. I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign paten office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2).

Relevance of the non-English language reference(s) is discussed in the present specification.

The reference(s) was/were cited in

---

A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix hereto.

The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Copies of the references were cited by or submitted to the Office in parent Application No. \_\_\_\_\_, filed

JUNGER  
Serial No. 09/509,021

and are being resubmitted herein for the Examiner's consideration.  
Form PTO 1449 is attached  
with copies of the aforementioned references.

Please charge any fee associated with the filling of this paper to our Deposit Account No. 14-1140.

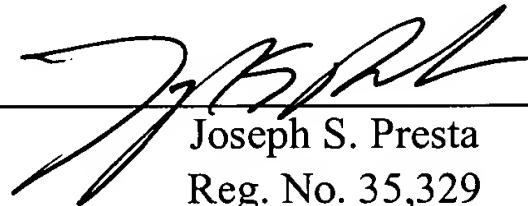
**REMARKS**

Included with this IDS are copies of depositions of Peter Junger and Phil Rogers, together with copies of the exhibits referenced therein. These depositions were taken in connection with the litigation previously disclosed in this application. Applicant makes no representation that any of this information is material to the patentability of this (or any other) application. Should the Examiner have any questions regarding these items or the litigation (which has now been settled), the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Joseph S. Presta  
Reg. No. 35,329

JSP:lmm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

INFORMATION DISCLOSURE CITATION	ATTY. DOCKET NO.	SERIAL NO.
<b>O I P E</b>	723-835	09/509,021
	APPLICANT	
FEB 25 2002 (Use several sheets if necessary)	JUNGER	RECEIVED FEB 27 2002
PATENT & TRADEMARK OFFICE	FILING DATE	GROUP
	August 25, 2000	Technology Center 2100 2768

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

Direct Return 2000, Software Overview, [http://www.directreturn.com/software\\_overview.htm](http://www.directreturn.com/software_overview.htm),  
Copyright © 2000 Pharmacy Software Solutions, Inc.

Nintendo Point of Purchase Mail-In Card.

1994 Nintendo Product Returns Policies and Procedures.

1995 Nintendo Product Returns Policies and Procedures.

1996 Nintendo Product Returns Policies and Procedures.

1992 Nintendo Product Returns Policy.

"Retailing in Cyberspace", Narda News, April 1995, pp. 21-22.

Deposition of Peter J. Junger, Vol. 1 & 2 (November 8-9, 2001) and Exhibits 1-4 & 8-19.

Deposition of Philip M. Rogers (November 7, 2001) and Exhibits 1-19.

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.